

Notice of Allowability

Application No.

09/674,969

Applicant(s)

FULDSETH ET AL.

Examiner

Nabil M. El-Hady

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/9/2004.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 5/9/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

N. El-Hady

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John C. Freeman, Reg. No. 34,483 on May 11, 2005.

2. The application has been amended as follows:

A. In the specification:

The abstract is amended to read:

-- In methods in the transmission in a data communications network of arbitrarily formatted files between a sender (1) which represents an information provider and one/or more receivers (8) which represent users, a network server (5) is used in the transmission, the transmission itself taking place substantially transparent to both sender (1) and receiver (8). Before the transmission, a file which shall be transmitted is compression-coded, whereafter it is transmitted packet-divided via the server (5) to the receiver (8). In the transmission an already compression-coded file is subjected to a processing specific for one or more users and/or one or more specific application either in the server (5) or in the receiver (8) or both, without any effects on the transmission as such. Software used for the processing can be stored either at the sender

Art Unit: 2154

(1), server (5) or receiver (8) and possibly downloaded automatically to the processing location.

The particular operational and decision steps in the method are preferably realized in consecutive and approximately simultaneous and/or interfoliated steps. --.

B. In the claims:

I. In claim 3:

a) line 14, replace "the file" with -- a file --;

b) line 25, replace "files" with -- file --.

II. In claim 4:

a) line 6, replace "the confirmation" with -- a confirmation --.

III. In claim 5:

a) line 1, replace "the" with -- an --;

b) line 3, delete "by";

c) line 4, delete "by".

IV. In claim 12:

a) line 5, replace "device or" with -- device of --.

3. Examiner notices that substitute drawings 3 and 4 as indicated in a correspondence of 5/7/2001 were not received. Accordingly, new corrected drawings in compliance with 37 CFR 1.121(d) are required in this application. Applicant is advised to employ the services of a

Art Unit: 2154

competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application.

4. The following is an examiner's statement of reasons for allowance: Applicant's arguments and amendment, filed 11/9/2004, with respect to claims 1-16 have been fully considered and are persuasive. None of the prior art in record taken alone or in combination discloses all the claimed limitations including a method in the transmission in a data communications network, particularly Internet, of arbitrarily formatted files comprising one or more different data types, between a sender comprising a data processing device connected to the data communications network, wherein the sender represents an information provider, and one or more receivers with respective data-processing devices connected with the data communications network, wherein each receiver represents a user, wherein the transmission takes place via a dedicated server provided in or assigned to the data communications network, wherein files which shall be transmitted are stored in a database at the sender or in a database accessible from the sender and which, for the transmission that substantially takes place transparently for both sender and receiver, are downloaded to the data-processing device of the sender, and wherein the method comprises processing a file specifically for one or more users with user specific application software for one or more user specific applications under determined conditions, the specific processing with the user specific application software taking place consecutively in a data processing device of the server during the transmission and/or consecutively in the data-processing device of the receiver as the file is received and/or in the data-processing device of the receiver after the file has been received; and performing the specific processing with the user specific application software which is stored in one or more of

Art Unit: 2154

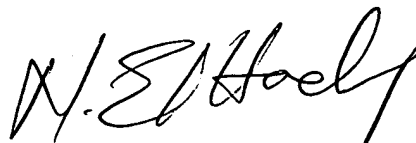
the following: the sender, the server or the receiver, and, as required, is transmitted before or in phase with the processing to an actual processing location.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M. El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nabil El-Hady, Ph.D, M.B.A.
Primary Patent Examiner
Art Unit 2154